IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.4959 of 1998

Between:

1 V.Appala Naidu, S/o. Atchaiah,
R/o. Thanam Village, Paradava Mandal,
Visakhapatnam District.
2 R.Paparao, S/o. Iatte Pydithalli ,
R/o. Thanam Village, Paradava Mandal,
Visakhapatnam District.
3 R.Khannayya, S/o. Peddulu,
R/o. Thanam Village, Paradava Mandal,
Visakhapatnam District.

..... PETITIONERS

AND

1 The Special Deputy Collector-cum-Land Acquisition Officer, Andhra

Pradesh Industrial Infrastructure Corporation Ltd,
Industrial Estate, Visakhapatnam-7.
2 The Vice Chairman-cum-Managing Director, Andhra Pradesh Industrial

Infrastructure Corporation Ltd, Parishrama Bhavan, Basheerbagh,
Hyderabad.
3 The Zonal Manager, Andhra Pradesh Industrial Infrastructure

Corporation Ltd, Industrial Estate, Visakhapatnam-7.
4 The District Collector,(Revenue),
Visakhapatnam, Visakhapatnam.
(Writ petition as against Respondent No.4 is dismissed for default as

per court order dt.4.09.01)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the respondents to initiate proceedings under the Land Acquisition Act and pass award to determine the compensation for the acquired lands of the petitioners measuring an extent of Ac.5.63 Cents situated in Sy.No.37 (Patta No.744/441) of Thanam Village, Paravada Mandal, Visakhapatnam District by declaring the action of the respondents in taking possession of the petitioners land without initiating proceedings under Land Acquisition Act and without following the mandatory provisions under the Act as arbitrary, illegal and unconstitutional.

Counsel for the Petitioners: MR.T.NIRANJAN REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

This writ petition is filed seeking to declare the action of the respondents in taking possession of the petitioners land admeasuring Ac.5.63 cents situated in Survey No.37 (Patta No.744/441) of Thanam village, Paravada Mandal, Visakhapatnam District without initiating Land Acquisition proceedings as illegal and arbitrary and to direct the respondents to initiate proceedings under the Land Acquisition Act and pass award to determine the compensation for the acquired land of the petitioners.

Heard the learned counsel for petitioners and learned Government Pleader for Land Acquisition.

The petitioners claim to be owners of lands covered by Survey Nos.36, 37, 38, 39, 40 and 46 (Patta No.744/441) of Thanam village, Paravada Mandal, Visakhapatnam District. It is stated that the

1st respondent issued Notification under Section 4(1) of the Land Acquisition Act, 1894 to acquire the lands in Survey Nos.36, 38, 39, 40 and 46 for the purpose of establishing Petrochemical Complex Unit. The grievance of the petitioners is that though the first respondent acquired the land in Survey No.37, along with lands in the said survey numbers, the same was not included in the acquisition proceedings and no award has been passed.

But, a perusal of the counter affidavit filed by the respondents clearly shows that the lands covered by Survey No.36 (Block No.II), Survey No.46 (Block No.III) and

Survey Nos.38, 39 and 40 (Block No.IV) of Thanam Village were acquired vide Award No.11 of 1995, dated 18.09.1995, Award No.10 of 1995, dated 16.09.1995 and Award No.12 of 1995, dated 16.09.1995 respectively and possession was handed over to the respondent-Corporation, and that the land in Survey No.37 of Thanam village was not acquired and possession has not been taken by the respondents as alleged by the petitioners.

Having regard to the fact that the land in Survey No.37 of Tanam village was not acquired and possession has not been taken by the respondents, the relief sought by the petitioners to award compensation for the land in question does not arise. At this juncture, learned counsel for the petitioners submits that the petitioners may be given liberty to approach the competent Civil Court to seek damages against the respondents, in the event of usage of acquired lands causing any loss or damage to them. However, if the petitioners are so aggrieved by any acts of the respondents and any damage or loss is caused to them, it is open for the petitioners to approach the competent authority for redressal of their grievances.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 17.03.2005

Nsr

To

1 The Special Deputy Collector-cum-Land Acquisition Officer, Andhra

Pradesh Industrial Infrastructure Corporation Ltd,
Industrial Estate, Visakhapatnam-7.

2 The Vice Chairman-cum-Managing Director, Andhra Pradesh Industrial

Infrastructure Corporation Ltd, Parishrama Bhavan, Basheerbagh,
Hyderabad.

3 The Zonal Manager, Andhra Pradesh Industrial Infrastructure

Corporation Ltd, Industrial Estate, Visakhapatnam-7.

4 The District Collector (Revenue),
Visakhapatnam, Visakhapatnam.

5 Two CCs to GP for Land Acquisition, High Court Buildings,

Hyderabad (OUT)

6 Two CD copies

*Form-NIC-OGS/WP{**ANURADHA**}*